

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 06 COMMUNITY SERVICES ADMINISTRATION

Chapter 06 Maryland Energy Assistance Program

Authority: Article 41, §§6-406(2) and 6-407, and Article 88A, §15, Annotated Code of Maryland (Agency Note: Federal Regulatory Reference—45 CFR 96, Subpart H.)

07.06.06.01

.01 Purpose.

The purpose of the Maryland Energy Assistance Program (MEAP) is to provide assistance to low-income Maryland residents in meeting their immediate home energy needs under the Low-Income Home Energy Assistance Act to the extent that funds are available.

07.06.06.02

.02 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Community Services Administration of the Department of Human Resources.

(2) "Applicant" means the head of household and spouse or cohabitant of the head of household, or representative of a shelter.

(3) "Benefit" means the amount of assistance or related service that is provided on behalf of an eligible household.

(4) "Boarder" means an individual to whom a household furnishes lodging and meals for compensation. A relative may be given boarder status if aged 60 years old or older, or disabled.

(5) "Crisis assistance" means a benefit provided an eligible household during an energy-related emergency and required to be delivered within 18 or 48 hours in accordance with Regulation .10F or G of this chapter.

(6) "Current program year" means the State fiscal year from July 1 through June 30.

(7) "Department" means the Maryland Department of Human Resources.

(8) "Disabled" means an individual who has a physical or mental impairment that interferes with one or more of life's major activities, such as walking, seeing, hearing, speaking, working, or learning.

(9) "Domiciliary care facility" means an institution which admits aged or disabled persons, maintains the necessary facilities, and provides a protective institutional or home type environment to persons who are of advanced age or have a physical or mental disability.

(10) "Duration of benefit" means the length of a State fiscal year during which a household expends an energy benefit or has it returned to the Maryland Energy Assistance Program.

(11) "Elderly" means a person 60 years old or older.

(12) "Energy crisis" means weather-related or supply-shortage emergencies, or other household energy-related emergencies.

(13) "Energy supplier" means a vendor of home energy. An energy supplier may be a company or sole proprietorship supplying electricity, natural gas, propane, kerosene, coal, or wood for residential use.

(14) "Head of household" means a person who is designated by the household as the head or representative of the household.

(15) "Homeless person" means a resident of Maryland without shelter and lacking resources to provide shelter.

(16) "Household" means an individual or group of individuals who are living together as one unit and for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(17) "Landlord" means the owner of the property who leases or rents the property to the household.

(18) "Local agency" means the local administering agency that the Department has designated to administer a component or components of the Program.

(19) "Public housing" means a dwelling complex owned and operated by a local government and whose:

(a) Residents are determined eligible based on income; and

(b) Rental fees are subsidized by local or federal funding.

(20) "Qualified alien" means an individual who is not a citizen of the United States who:

(a) Is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(b) Is admitted to the United States as a refugee under §207 of the Immigration and Nationality Act;

(c) Is granted asylum under §208 of the Immigration and Nationality Act;

(d) Has had deportation or removal withheld under §234(h) or 241(b)(3) of the Immigration and Nationality Act;

(e) Has been granted status as a Cuban or Haitian entrant as defined in §501(e) of the Refugee Education Assistance Act of 1980;

(f) Is paroled into the United States under §212(d)(5) of the Immigration and Nationality Act for a period of at least 1 year;

(g) Is granted conditional entry pursuant to §203(a)(7) of the Immigration and Nationality Act as in effect before April 1, 1980; or

(h) Is a battered spouse, battered child, or parent or child of a battered individual.

(21) "Renter" means an individual who leases a residential dwelling from a landlord.

(22) "Roomer" means an individual to whom a household furnishes lodging but not meals for compensation. A relative may be given roomer status if 60 years old or older, or disabled.

(23) Shelter.

(a) "Shelter" means a public or private nonprofit residential facility whose function is to provide temporary or intermediate accommodations to battered spouses and homeless persons.

(b) "Shelter" does not include residential treatment programs, for example, those funded by the Departments of Juvenile Services, Aging, Human Resources, and Health and Mental Hygiene.

(24) Subsidized Housing.

(a) "Subsidized Housing" means a privately owned dwelling complex where eligibility for residency is based on income and the rental fees are subsidized by federal or local funding.

(b) "Subsidized Housing" does not include a dwelling funded under the Department of Housing and Urban Development's Below Market Interest Rate Program or under the Rental Assistance Program.

(25) "Verification" means proof of accuracy of statements made by the applicant or recipient.

07.06.06.03

.03 Eligibility for Assistance.

A. A household is eligible for assistance if the:

(1) Household resides in Maryland;

(2) Total household countable income as described in Regulation .04 of this chapter does not exceed the percent of the current poverty levels as published annually by the Department of Health and Human Services for the Low Income Home Energy Assistance Program (LIHEAP) under 45 CFR Part 96 and established as the income eligibility limits in the current LIHEAP plan;

(3) Applicant completes an application as described in Regulation .05 of this chapter; and

(4) Members of the household are U.S. citizens or fit the definition of qualified alien.

B. Homeless or Battered Spouse Shelter.

(1) A shelter is eligible for assistance if the:

(a) Shelter is in Maryland; and

(b) Shelter incurs energy expenses during the State fiscal year.

(2) A shelter is ineligible for energy assistance if the shelter has received assistance through the Maryland Energy Assistance Program during the current State fiscal year.

C. Waiver. The Administration may establish a policy each year to waive §A(2) of this regulation. Notification of a waiver shall be provided as part of its annual plan. If a waiver is provided for in the given year, the application may be granted a waiver to §A(2) of this regulation based on substantial out-of-pocket medical expenses incurred within 3

months of the application date. A waiver request shall include documentation of the expenses.

07.06.06.04

.04 Income Requirements.

A. The applicant's total household income is determined by using countable income, as described in §D of this regulation, received by household members during the 30-day period before the date of application.

B. The Administration shall determine the maximum allowable income for households as indicated in Regulation .07 of this chapter.

C. Treatment of Income of Household Members Not Meeting the U.S. Citizenship or Qualified Alien Requirements.

(1) Any member of the applicant's household, including the applicant, who does not meet the U.S. citizenship or qualified alien requirements as provided in Regulation .02B(19) of this chapter, shall have the member's income included on the application, but may not be counted as a member of the applicant's household.

(2) In determining the household's eligibility, the income attributed to the individual who is not a U.S. citizen or qualified alien shall be verified and included in the household's total income.

D. Countable Income. Income from the following sources is countable income:

- (1) Gross wages, tips, and commissions received from employment;
- (2) Self-employment and rental income, less operating expenses except for depreciation necessary to produce the income;
- (3) Social Security income less Medicare payment deduction;
- (4) Supplemental Security Income (SSI);
- (5) Dividends;
- (6) Interest received from savings or checking accounts;
- (7) Interest or dividends received from the redemption of bonds;
- (8) Estate or trust fund income;
- (9) Royalties;

- (10) Temporary cash assistance (TCA);
- (11) Temporary Disability Assistance Program (TDAP);
- (12) Pensions;
- (13) Disbursements from annuities, individual retirement accounts (IRAs), or other retirement accounts;
- (14) Child support payments;
- (15) Alimony or spousal support;
- (16) Workers' compensation benefits;
- (17) Unemployment insurance benefits;
- (18) Veteran's pension benefits;
- (19) Mine worker's benefits;
- (20) Armed forces dependent allowances;
- (21) Criminal Injuries Compensation Board payments;
- (22) Monetary gifts and loans, excluding the portion of a student loan used to cover tuition and required fees;
- (23) Stipends for educational or research fellowships for living expenses excluding that portion that covers tuition and required fees;
- (24) Employee strike funds if there is no employee contribution;
- (25) Third-party payments received by live-in home care providers for the care of adults who cannot care for themselves; and
- (26) Railroad retirement benefits less Medicare payment deduction.

E. Income or resources from the following sources are not countable income:

- (1) Third-party payments over which the household has no discretion of the use of the funds;
- (2) In-kind contributions of a commodity or service such as gifts of food, building materials used for repairs, or labor;

(3) Employment income of:

(a) A child younger than 18 years old;

(b) A full-time student;

(4) Educational assistance funded under Title IV of the Higher Education Act or under the Bureau of Indian Affairs;

(5) Educational assistance, such as grants, scholarships, fellowships, educational loans on which payment is deferred, work-study, and veteran's benefits, to pay for tuition, books, and other required materials, and required fees:

(a) At a recognized institution of postsecondary education;

(b) At a school for individuals with disabilities;

(c) In a vocational education program in a vocational or technical school; or

(d) In a program that provides for obtaining a secondary school diploma or an equivalent;

(6) Payments under the Federal Action Program to participants in the Retired Senior Volunteer Program, Foster Grandparents, or Senior Companion Program;

(7) Stipends to participants in State or federally funded job training programs;

(8) Federal Department of Housing and Urban Development (HUD) direct payment subsidies provided to households;

(9) Food stamp benefits;

(10) Welfare avoidance grants (WAGs);

(11) Public assistance vendor payments provided for emergency assistance or special assistance;

(12) Foster care grants and foster child care payments;

(13) Child support paid as required by court order pursuant to §F of this regulation;

(14) Payments to employees on strike if the strike fund consists of employee contributions;

(15) Reinvested interest and dividends from individual retirement accounts (IRAs) or other retirement accounts;

(16) A nonrecurring lump sum payment including income tax refunds and lottery winnings;

(17) Maryland Renters' Tax Credit Program payments;

(18) Maryland Homeowners' Tax Credit Program credits;

(19) Federal earned income tax credits or payments;

(20) Medicare payments deducted from Social Security grants;

(21) Subsidized adoption payments; and

(22) Americorps of VISTA payments.

F. Calculating Allowable Child Support Payments.

(1) Verified child support payments may be deducted from the applicant's or another household member's gross income up to the amount specified by court order.

(2) Child support payments made in excess of the specified amount on the court order may not be deducted from the applicant's or another household member's gross income.

07.06.06.05

.05 Application Process.

A. An applicant or the applicant's representative shall submit a MEAP application to the local agency:

(1) In person; or

(2) By the mail-in application process.

B. A complete MEAP application includes:

(1) The application form signed and dated by the applicant or the applicant's representative;

(2) The names of all household members;

(3) Verification of a Social Security number or documentary evidence that each member has applied for a number;

(4) Verification of all income of all household members, except for the Social Security income of individuals who have received Social Security benefits for more than 2 years;

- (5) Verification of the applicant's identity;
- (6) Verification of immigrant status for those eligible household members applying for the benefit who are not U.S. citizens;
- (7) Verification of residence;
- (8) Proof of rental status, if renter; and
- (9) A statement signed by the applicant or the applicant's representative authorizing the local agency to verify, through any appropriate sources, statements made or documents presented by the applicant or the applicant's representative during the application process.

C. Shelter Application.

- (1) A complete application for a shelter includes:
 - (a) A shelter application form;
 - (b) Verification and location of shelter;
 - (c) The name and address of the energy supplier which services the shelter;
 - (d) Proof of current year heating bills as designated by the Administration; and
 - (e) A release from authorizing the Administration to verify shelter status through any appropriate sources.
- (2) Applications are accepted during the period set forth in Regulation .02B(6) of this chapter.

D. A shelter administered by a designated local agency shall submit a shelter application to the Maryland Office of Home Energy Programs for processing.

07.06.06.06

.06 Local Agency Response to Application.

A. Receipt of Application. Upon receipt of the application, the local agency shall:

- (1) Record the date the application was received by the local agency;
- (2) Record the date of application as described in §B of this regulation; and
- (3) Assess the application for completeness.

B. Date of Application. The date of application is:

- (1) For a walk-in application, the date the local agency receives the application; or
- (2) For an application received by mail, the date it was signed by the applicant or the applicant's representative if the local agency receives the application:
 - (a) Within 10 working days of the date the applicant or the applicant's representative signs the application; or
 - (b) For good cause shown, at a later reasonable date after 10 working days of the date the applicant or the applicant's representative signs the application.

C. Incomplete Application. If the application is incomplete:

- (1) The local agency shall request the applicant or the applicant's representative to provide the missing information within 15 calendar days from the date of the notification; and
- (2) If the applicant or the applicant's representative does not provide the requested information within 15 calendar days from the date of the notification, the local agency shall deny the application as specified in §D(3) of this regulation.

D. Decisions on an Application.

- (1) The local agency shall approve or deny the application within 45 calendar days of receipt of a completed application, except as allowed in §D(5) of this regulation.
- (2) Approved Application.
 - (a) The local agency shall mail notification to the applicant or the applicant's representative of the approval within 10 working days after sending benefits to the applicant's energy supplier.
 - (b) The written notice of the local agency's decision shall include:
 - (i) The amount or description of benefits approved on behalf of the applicant's household;
 - (ii) The duration of the benefits;
 - (iii) The name of the energy supplier to which the benefits are paid; and
 - (iv) An explanation of the applicant's right to appeal any part of the agency's decision and the method for requesting an administrative hearing of an appeal as set forth in Regulation .12 of this chapter.

(3) Denied Application. The local agency shall deny the application for benefits if the:

(a) Applicant's household countable income exceeds the income set forth in Regulation .03A(2) of this chapter;

(b) Applicant or the applicant's representative has not provided information requested by the local agency as required in Regulation .06B of this chapter;

(c) Applicant dies while the application is being processed;

(d) Applicant establishes residency outside Maryland while the application is being processed;

(e) Applicant does not meet the eligibility criteria as required in Regulation .03 of this chapter;

(f) Applicant abandons the applicant's residence;

(g) Applicant withdraws the application for MEAP assistance;

(h) Information supplied at application was incorrect and the household was originally ineligible;

(i) Applicant resides in public or subsidized housing where heat is included in the rent;

(j) Household as constituted at time of application has received assistance through Maryland Energy Assistance Program during the current program year; or

(k) Applicant resides in an assisted living facility.

(4) Notice of Denial.

(a) The local agency shall mail notification to the applicant of the decision to deny the application within 10 working days of the decision.

(b) The written notice shall include:

(i) The reason for the denial;

(ii) The COMAR citation of the regulation supporting the decision to deny the application;

(iii) An explanation of the applicant's right to appeal the decision and the method for requesting an administrative hearing set forth in Regulation .12 of this chapter; and

(iv) The date by which the local agency shall receive the applicant's administrative hearing request.

(5) Delaying MEAP Benefits. The local agency may delay the delivery of MEAP benefits if:

(a) The applicant moves to another residence that cannot be serviced by the household's originally designated energy supplier;

(b) The local agency has reason to believe the applicant or the applicant's representative provided incorrect information on the application; or

(c) The applicant or the applicant's representative fails to notify the local agency of a new address and the local agency cannot contact the applicant.

(6) The applicant or the applicant's representative shall notify the local agency of the applicant's new energy supplier if the applicant changes residence to an area serviced by another energy supplier.

E. Unused benefits. The energy supplier shall return any unused benefit, for which the applicant may not be held liable, to the local agency or the Department of Human Resources as specified by the Administration in its procedures.

F. Termination of MEAP Benefits.

(1) The local agency shall terminate an applicant's MEAP benefits and notify the energy supplier to return the applicant's unused benefits to the local agency if the applicant:

(a) Move to a residence outside of the State;

(b) Move to an area outside of the applicant's energy supplier's service area and fails to report the new address to the local agency;

(c) Is no longer a customer of the energy supplier receiving the benefit;

(d) Submits an application for an individual who has died;

(e) Abandons the residence;

(f) Informs the local agency that the benefit is not wanted;

(g) Moves to an assisted living facility;

(h) Is incarcerated; or

(i) Supplies incorrect information at application and the applicant was originally ineligible.

(2) If the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:

(a) The reason for termination;

(b) The COMAR citation supporting the decision; and

(c) An explanation of the applicant's right to appeal and method for requesting an administrative hearing.

07.06.06.07

.07 Delivery of Benefit.

A. Delivery of benefit may be accomplished by a:

(1) Benefit payment to the energy supplier on behalf of the applicant, as determined by the Administration in accordance with the provisions of the current contract in effect with the energy supplier.

(2) Benefit payment to the landlord on behalf of the applicant when heating costs are included in the rent. The payment is to be credited to the applicant's rent.

(3) Direct benefit payment to the applicant if:

(a) The vendor or landlord refuses to accept payment; or

(b) Other circumstances as determined by the local agency prevent the issuance of the benefit to a vendor; and

(4) Direct benefit payment to the shelter.

B. Amount of Benefit Payment.

(1) The Administration shall determine annually the benefit payment levels and include the levels in each year's approved State plan.

(2) The Administration may authorize a supplemental benefit increase, and shall determine the amount of any supplemental increase and provide notice of the amount by:

(a) An approved State plan amendment for the current year;

(b) A benefit letter to the household; and

(c) A letter to the energy supplier.

(3) The Administration shall determine annually the percentage of a shelter's total documented current heating bill that comprises the benefit payment to shelters, and provide written notice of the benefit amount to eligible shelters.

C. The local agency shall send written notification to each energy supplier to return to MEAP the undelivered benefits of households that no longer have an active account with the energy supplier. The written notice shall request that the energy supplier return to MEAP balances remaining at the close of a customer's account, by the time specified in the supplier's current contract.

07.06.06.08

.08 Delay or Termination of Service.

A. The local agency may delay the delivery of service when the:

(1) Household moves to another residence and cannot be serviced by the original energy supplier or landlord. In this case the:

(a) Applicant shall notify the local agency of the new address and new energy supplier or landlord.

(b) Original energy supplier or landlord shall return any unused benefit to the local agency. The applicant may not be held liable for the failure of the energy supplier or landlord to return the unused benefit.

(c) Local agency shall arrange for continued delivery of the remaining benefit.

(2) Household moves to another residence and can be serviced by the original energy supplier. The applicant shall notify the local agency of the new address and shall arrange for continued delivery of the benefit.

(3) Local agency has reason to believe that incorrect information was supplied on the application.

B. The local agency shall terminate the benefit and notify the energy supplier or landlord to return any unused portion of the benefit to the local agency when the:

(1) Household moves and is no longer eligible;

(2) Household moves and fails to report the new address;

(3) Household consists of one person who has died;

(4) Residence is abandoned;

(5) Applicant informs the local agency that the benefit is not wanted;

(6) Information supplied at application was incorrect and the household originally was ineligible.

C. When the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:

(1) The reason for termination;

(2) The specific regulation supporting the decision; and

(3) An explanation of the applicant's right to appeal and method for requesting a fair hearing. If the household files an appeal within 15 calendar days, the benefit is continued until the hearing decision has been made.

07.06.06.09

.09 Division of the Household.

A. If a household is divided, the energy supplier shall credit the undelivered benefit to the part of the household that remains at the original residence.

B. The energy supplier shall return the undelivered benefit to MEAP for reallocation if the original residence is abandoned.

C. New households formed as a result of division of the original household may apply for assistance.

D. A household may receive only one benefit during the heating season except as provided for in Regulation .07B(2) of this chapter.

07.06.06.10

.10 Crisis Assistance.

A. A household may apply for crisis assistance from November through March.

B. The applicant shall sign a declaration form attesting to the crisis situation.

C. A household may apply for crisis assistance at the time of application for MEAP or after the date of application, but before notification that the benefit has been granted.

D. The local agency shall determine income eligibility based on the documentation provided by the applicant at the time of application. The applicant shall declare the amount of income by signing an income declaration form, if the documentation provided is insufficient to complete the application.

E. The local agency shall determine eligibility for crisis assistance and provide a benefit for crisis assistance to equal the amount needed to alleviate the crisis, up to the current year's approved crisis assistance payment level in accordance with each year's State plan and any corresponding amendment or amendments to the plan.

F. The local agency shall arrange for delivery of the benefit within 18 hours of the time that the crisis is declared if the:

- (1) Household has no supply of fuel;
- (2) Household's utility service is disconnected; or
- (3) Household has a broken furnace or fuel burner.

G. The local agency shall arrange for delivery of the benefit within 48 hours of the time that the crisis is declared if the household has:

- (1) Not more than a 3 to 4 day supply of fuel; or
- (2) A "true" disconnection notice for within 3 or 4 days.

H. Crisis assistance benefits may take the form of:

- (1) Payment to an energy supplier;
- (2) Furnace repair; or
- (3) Temporary shelter.

I. If the household is determined eligible based on the completed application, the local agency shall deduct the value of the crisis assistance from the benefit. The local agency shall authorize the energy supplier to deliver the remainder of the benefit.

J. If the applicant is found to be ineligible after receiving crisis assistance, the local agency shall attempt to recover the benefit.

K. The local agency shall deny a household crisis assistance if the household applies for crisis assistance after the benefit has been exhausted, but the local agency shall refer the household to other agencies for assistance.

07.06.06.11

.11 Recovery.

- A. Applicants are liable for payments made in excess of the allowable benefit as determined by the Administration.
- B. The local agency shall require the energy supplier or landlord to return the amount of the overpayment from any unused benefit.
- C. If the amount of the unused benefit is not sufficient to cover the amount of overpayment, the local agency shall attempt to recover the overpayment from the applicant.
- D. If the applicant fails to comply with the request for repayment, the local agency shall refer the recovery of the overpayment to the Administration. The Administration shall refer the case to the Central Collections Unit of the Department of Budget and Management.

07.06.06.12

.12 Administrative Hearing Process.

- A. The local agency shall have a grievance procedure and shall attempt to resolve a grievance at the local level.
- B. Except as provided in §C of this regulation, an applicant may appeal as set forth in COMAR 07.01.04.
- C. The appellant has 15 calendar days from the date the notice of decision or action was sent by the local agency to file a request.

07.06.06.9999

Administrative History

Effective date: April 22, 1985 (12:8 Md. R. 801)

Regulations .02B, .03, .04B, .05F, .06, .12 amended effective July 28, 1986 (13:15 Md. R. 1733)

Regulation .02B amended effective April 6, 1987 (14:7 Md. R. 829)

Regulations .03E and .06B amended effective February 24, 1986 (13:4 Md. R. 395)

Regulation .03 amended effective April 6, 1987 (14:7 Md. R. 829)

Regulation .04B amended effective April 6, 1987 (14:7 Md. R. 829)

Regulation .12 amended effective May 4, 1987 (14:9 Md. R. 1079)

Annotation: COMAR 07.06.06 cited in Attorney General Opinion No. 86-013 (March 5, 1986)

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Regulation .03A, C amended effective April 9, 2007 (34:7 Md. R. 697)

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Regulation .06D amended effective April 9, 2007 (34:7 Md. R. 697)

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Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 06 COMMUNITY SERVICES ADMINISTRATION

Chapter 22 Electric Universal Service Program

**Authority: Article 41, §6-401(b); Public Utility Companies Article, §7-512);
Annotated Code of Maryland**

07.06.22.01

.01 Purpose and Scope.

A. The purpose of the Electric Universal Service Program (EUSP) is to:

(1) Provide cash assistance and weatherization services to eligible low-income Maryland residents under the Universal Service Program provisions of The Electric Competition and Customer Choice Act to the extent that funds are available; and

(2) Help residents reduce and manage their electric costs and maintain their electric service.

B. The assistance components under the EUSP administered by the Office of Home Energy include:

(1) Bill assistance; and

(2) Arrearage retirement.

07.06.22.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Administration" means the Community Services Administration of the Department of Human Resources.
- (2) "All-electric residence" means a dwelling that uses electricity as its primary source of heat.
- (3) "Annual consumption" means the amount of electricity, stated in kilowatt hours as reported by the customer's electric company, an electric customer uses in a 12-month period.
- (4) "Applicant" means an electric customer for whom EUSP assistance is being requested.
- (5) "Arrearage" means the amount of money owed by an electric customer to an electric company which is 21 days or more past due.
- (6) "Assisted living facility" means an institution that admits elderly or disabled individuals and provides a protective institutional or home-type environment for a fee.
- (7) "Benefit" means cash assistance or other EUSP service that is provided on behalf of an eligible applicant.
- (8) "Department" means the Maryland Department of Human Resources.
- (9) "Disabled" means an individual who has a physical or mental impairment that interferes with one or more of life's major activities, such as walking, seeing, hearing, speaking, working, or learning.
- (10) "Elderly" means an individual 60 years old or older.
- (11) "Electric company" means the company that provides electric distribution services to an electric customer.
- (12) "Electric customer" means an individual:
- (a) With an active retail electric service account in the individual's name; or
 - (b) Who is applying for retail electric service in the individual's name.
- (13) "Household" means an individual or group of individuals who are living together as one unit and for whom residential electric service is purchased in common.
- (14) "Income" means gross income unless otherwise specified in Regulation .04 of this chapter.

(15) "Landlord" means the owner of the property who leases or rents the property to the household.

(16) "Local agency" means an agency with which the Department has contracted to administer a component or components of the EUSP.

(17) "Low-income weatherization" means cost effective measures that reduce electric energy consumption.

(18) "Mail-out application" means an EUSP application that is preprinted with information previously submitted by the applicant or proxy on an application for the EUSP or Maryland Energy Assistance Program (MEAP).

(19) "Non-all-electric residence" means a dwelling that:

(a) Does not use electricity as its primary source of heat; and

(b) Is equipped with fossil fuel-burning heating equipment for oil, gas, propane, kerosene, or coal.

(20) "Off-service applicant" means an EUSP applicant who does not have an active retail electric service account.

(21) "On-service applicant" means an EUSP applicant who has an active account for electric service.

(22) "Program year" means July 1 through June 30.

(23) "Proxy" means an individual 18 years old or older who is authorized by signature of the applicant to:

(a) Participate in the intake interview; and

(b) Provide information and documentation on behalf of the applicant.

(24) "Public housing" means a dwelling complex owned and operated by a local government whose:

(a) Residents are determined eligible based on income; and

(b) Rental fees are subsidized by local or federal funding.

(25) "Qualified alien" has the meaning stated in 8 U.S.C. §1641.

(26) "Renter" means an individual who rents or leases a residential dwelling from a landlord.

(27) Subsidized Housing.

(a) "Subsidized housing" means a public or privately owned dwelling where:

- (i) Eligibility for residency is based on income; and
- (ii) The rental fees are subsidized by federal or local funding.

(b) "Subsidized housing" does not include a dwelling funded under the following programs of the Maryland Department of Housing and Community Development:

- (i) Below Market Interest Rate Program; or
- (ii) Rental Assistance Program.

(28) "Verification" means documentation or proof of accuracy of statements made by the applicant, proxy, or recipient of EUSP benefits.

07.06.22.03

.03 Eligibility for Assistance.

An applicant is eligible for assistance if the applicant:

- (1) Is an electric customer;
- (2) Resides in Maryland;
- (3) Has total household countable income as described in Regulation .04 of this chapter which does not exceed 175 percent of the federal poverty level; and
- (4) Is a:
 - (1) U.S. citizen,
 - (2) Legal immigrant admitted for permanent residence or otherwise legally residing in the United States, or
 - (3) Qualified alien.

B. For purposes of receiving an arrearage, an applicant:

- (1) May not have received an arrearage benefit from the EUSP since July 1, 2000; and
- (2) Shall have a qualified arrearage reported by the applicant's current electric company.

C. Waiver. Waivers to §A(3) of this regulation may be granted according to policy established under COMAR 07.06.06.03C.

07.06.22.04

.04 Income Requirements.

A. Total Household Income. The applicant's total household income is determined by using countable income, as described in §D of this regulation, received by household members during the 30-day period before the date of application.

B. Maximum Allowable Income. The Administration shall determine the maximum allowable income for households as indicated in Regulation .03C of this chapter.

C. Income of Household Members Not Meeting the U.S. Citizenship Requirements.

(1) Any member of the applicant's household, including the applicant, who does not meet the U.S. citizenship requirements as provided in Regulation .03D of this chapter shall be included on the application but may not be counted as a member of the applicant's household.

(2) For the purpose of determining the household's eligibility, the income attributed to the individual who is not a U.S. citizen shall be verified and included in the household's total income.

D. Countable Income. Income from the following sources is considered countable income:

- (1) Gross wages, tips, and commissions received from employment;
- (2) Self-employment income and rental income, less expenses (excluding depreciation expenses) necessary to produce the income;
- (3) Social Security income less Medicare payment deduction;
- (4) Supplemental Security Income (SSI) less Medicare payment deduction;
- (5) Dividends;
- (6) Interest received from savings or checking accounts;
- (7) Interest or dividends received from the redemption of bonds;
- (8) Estate or trust fund income;
- (9) Royalties;

- (10) Temporary Cash Assistance (TCA);
- (11) Temporary Disability Assistance Program (TDAP);
- (12) Pensions;
- (13) Disbursements from annuities, individual retirement accounts (IRAs), or other retirement accounts;
- (14) Child support;
- (15) Alimony or spousal support;
- (16) Workers' Compensation benefits;
- (17) Unemployment Insurance benefits;
- (18) Veteran's pension benefits;
- (19) Mine worker's benefits;
- (20) Armed forces dependent allowances;
- (21) Criminal Injuries Compensation Board payments;
- (22) Monetary gifts and loans, excluding the portion of a student loan used to cover tuition and required fees;
- (23) Stipends for educational or research fellowships for living expenses excluding that portion that covers tuition and required fees;
- (24) Employee strike funds where there is no employee contribution;
- (25) Third-party payments received by live-in home care providers for the care of adults who cannot care for themselves; and
- (26) Railroad retirement benefits less Medicare payment deduction.

E. Noncountable Income. Income or resources from the following sources are not considered countable income:

- (1) Third-party payments over which the household has no discretion of the use of the funds;
- (2) In-kind contributions of a commodity or service such as gifts of food, building materials used for repairs, or labor;

- (3) Employment income of children 17 years old or younger;
- (4) Educational assistance funded under Title IV of the Higher Education Act or under the Bureau of Indian Affairs;
- (5) Educational assistance, such as grants, scholarships, fellowships, educational loans on which payment is deferred, work-study, and veterans' benefits, to pay for tuition, books, and other required materials, and required fees which are awarded to a household member enrolled:
 - (a) At a recognized institution of post-secondary education,
 - (b) At a school for individuals with disabilities,
 - (c) In a vocational education program in a vocational or technical school, or
 - (d) In a program that provides for obtaining a secondary school diploma or an equivalent;
- (6) Payments under the Federal Action Program to participants in the Retired Senior Volunteer Program, Foster Grandparents, or Senior Companion Program;
- (7) Stipends to participants in State or federally funded job training programs;
- (8) Federal Department of Housing and Urban Development (HUD) direct payment subsidies provided to households;
- (9) Food Stamp benefits;
- (10) Welfare Avoidance Grants (WAGs);
- (11) Public assistance vendor payments provided for emergency assistance or special assistance;
- (12) Foster care grants and foster child care payments;
- (13) Child support paid as required by court order pursuant to §F of this regulation;
- (14) Payments to employees on strike when the strike fund consists of employee contributions;
- (15) Reinvested interest and dividends from individual retirement accounts (IRAs) or other retirement accounts;
- (16) A non-recurring lump sum payment including income tax refunds and lottery winnings;

- (17) Maryland Renters' Tax Credit Program payments;
- (18) Maryland Homeowners' Tax Credit Program credits;
- (19) Federal Earned Income Tax credits or payments;
- (20) Medicare payments deducted from Social Security grants;
- (21) Subsidized adoption payments; and
- (22) Americorps or VISTA payments.

F. Calculating Allowable Child Support Payments.

- (1) Verified child support payments may be deducted from the applicant's household member's gross income up to the amount specified by court order.
- (2) Child support payments made in excess of the specified amount on the court order may not be deducted from the applicant's household member's gross income.

07.06.22.05

.05 Application Process for EUSP.

A. An applicant or proxy shall submit an EUSP application to the local agency:

- (1) In person; or
- (2) By the mail-in application process.

B. A completed EUSP application shall include:

- (1) The application form signed and dated by the applicant or proxy;
- (2) The names of all household members;
- (3) Verification of Social Security numbers for all household members or, when a Social Security number is not available, verification of the application for a Social Security number;
- (4) Verification of all income of all household members;
- (5) Verification of the applicant's identity;
- (6) Verification of immigration status for all household members who are not U.S. citizens;

(7) Verification of location of residence;

(8) Proof of receipt of electric service in the applicant's name, such as an electric bill from the applicant's electric company or confirmation from the electric company that electric service is being requested in the applicant's name;

(9) If a renter, proof of rental status; and

(10) A statement signed by the applicant or proxy authorizing the local agency to verify, through any appropriate sources, statements made or documents presented by the applicant or proxy during the application process.

C. For EUSP applicants who are off-service, the applicant's electric company must confirm that electric service is being applied for in the applicant's name.

D. The local agency may certify an applicant for assistance once every program year.

07.06.22.06

.06 Local Agency Response to Application.

A. Receipt of Application. The local agency shall:

(1) Record the date the application was received by the local agency;

(2) Record the date of application as described in §B of this regulation; and

(3) Assess the completeness of the application.

B. Date of Application. The date of application is the date:

(1) The local agency receives the application for walk-in applications; or

(2) The application was signed by the applicant or proxy when the local agency receives the application by mail within 10 working days of the date the applicant or proxy signed the application.

C. Incomplete Application.

(1) If the application is incomplete, the local agency shall notify the applicant or proxy to provide the missing information within 15 calendar days from the date of the notification.

(2) If the applicant or proxy does not provide the requested information within 15 calendar days from the date of the notification, the local agency shall deny the application.

D. Decisions on Application.

(1) The local agency shall, within 45 calendar days of receipt of a completed application, approve or deny the application.

(2) Approved Application.

(a) The local agency shall mail notification to the applicant or proxy of the approval within 10 working days after sending benefits to the applicant's electric company.

(b) The written notice of the local agency's decision shall include:

(i) The amount or description of benefits approved on behalf of the applicant's household;

(ii) The duration of the benefits;

(iii) The name of the electric company to which the benefits are paid; and

(iv) An explanation of the applicant's right to appeal any part of the agency's decision and the method for requesting a fair hearing of an appeal.

(3) Denied Application. The local agency shall deny the application for benefits when:

(a) The applicant's household countable income exceeds 175 percent of the federal poverty level;

(b) The applicant or proxy has not provided the information requested by the local agency as prescribed in §B of this regulation;

(c) The applicant dies while the application is being processed;

(d) The applicant establishes residency outside Maryland while the application is being processed;

(e) The applicant does not meet the eligibility criteria as prescribed in Regulation .03 of this chapter;

(f) The applicant abandons the applicant's residence;

(g) The applicant withdraws the application for EUSP assistance;

(h) The information supplied at application was incorrect and the household was originally ineligible; or

(i) The applicant resides in a assisted living facility.

(4) The local agency shall mail notification to the applicant of the decision to deny the application within 10 working days of the decision. The written notice shall include:

- (a) The reason for the denial;
- (b) The citation of the regulation supporting the decision to deny the application;
- (c) An explanation of the applicant's right to appeal the decision and the method for requesting a fair hearing; and
- (d) The date by which the local agency must receive the applicant's fair hearing request.

(5) Delaying EUSP Benefits. The local agency may delay the delivery of EUSP benefits when:

- (a) The applicant moves to another residence and cannot be serviced by the household's originally designated electric company;
 - (b) The local agency has reason to believe the applicant or proxy provided incorrect information on the application; or
 - (c) The applicant or proxy fails to notify the local agency of a new address and the local agency cannot contact the applicant.
- (6) The applicant or proxy shall notify the local agency of the applicant's new electric company when the applicant changes residence to an area serviced by another electric company.

E. Unused Benefits. The electric company shall return any unused benefit in the event the benefit cannot be applied to an active electric account, for which the applicant may not be held liable, to the Administration.

F. Termination of EUSP Benefits.

(1) The local agency shall terminate an applicant's EUSP benefits and notify the electric company to return the applicant's unused benefits to the local agency when the applicant:

- (a) Moves to a residence outside Maryland;
- (b) Moves to an area outside of the applicant's electric company's service area and fails to report the new address to the local agency;
- (c) Is no longer an electric customer;
- (d) Submits an application for an individual who has died;

- (e) Abandons the residence;
 - (f) Informs the local agency that the benefit is not wanted;
 - (g) Moves to an assisted living facility;
 - (h) Is incarcerated; or
 - (i) Supplies incorrect information at application and the applicant was originally ineligible.
- (2) When the local agency determines that termination of the benefit is required, the local agency shall notify the household in writing. The written notice shall include:
- (a) The reason for termination;
 - (b) The citation of the regulation supporting the decision; and
 - (c) An explanation of the applicant's right to appeal and method for requesting a fair hearing.

07.06.22.07

.07 Bill Assistance.

A. Subject to Regulations .03—.05 of this chapter and the availability of funds, the local agency or Administration may deliver bill assistance benefits on behalf of an eligible EUSP applicant by a payment, or payments, to the applicant's electric company.

B. Bill assistance benefits shall be:

- (1) Available to help an eligible electric customer maintain electric service;
- (2) Payable to the electric company, a retail electric supplier, or both, in the EUSP applicant's service area; and
- (3) Returned by the eligible applicant's electric company to the Administration for reallocation when the electric company cannot apply the benefits to the applicant's active account.

C. Amount of Benefits.

- (1) The Administration shall determine allowable benefit amounts for bill assistance based on:
 - (a) The household's income poverty level;

(b) The applicant's household's electric consumption during the 12 months before the date of application; and

(c) The applicant's status as a resident in public or subsidized housing.

(2) An eligible applicant may receive one bill assistance benefit during one program year.

D. Supplemental Bill Assistance Benefits. If the Administration authorizes a supplemental bill assistance benefit increase, the Administration shall send a written notification to eligible applicants and their respective electric companies.

07.06.22.08

.08 Arrearage Retirement.

A. Subject to Regulations .03—.05 of this chapter and the availability of funds, the local agency or Administration may issue benefits for electric arrearage retirement to an electric company in an applicant's service area on behalf of an eligible EUSP applicant who owes an outstanding arrearage to the electric company for electric service.

B. Arrearage retirement benefits:

(1) Shall be issued to assist an eligible electric customer maintain or reestablish electric service; and

(2) Are limited to arrearages owed to the applicant's electric company for electric service arrearages the applicant incurred, prior to current monthly bill and which has been verified by the applicant's electric company during the application process.

C. The local agency or Administration shall allow the applicant or proxy to review arrearage information provided by the applicant's electric company during the application process.

D. Delivery of Arrearage Retirement Benefits. The local agency or Administration shall:

(1) Issue the arrearage retirement benefits within the minimum and the maximum amount authorized by Public Service Commission order; and

(2) Make a benefit payment, or series of payments, on behalf of the applicant.

E. Amount of Benefits.

Benefit levels for arrearage retirement shall be based on the applicant's arrearage balance with a minimum and maximum amount established by the Public Service Commission, subject to §§A—D of this regulation, verified by the applicant's electric company.

F. Disputes Regarding Arrearage Data.

(1) The local agency shall:

(a) Forward an EUSP applicant dispute regarding arrearage data supplied by the applicant's electric company to the Public Service Commission for resolution; and

(b) Continue the application and payment process pending the Public Service Commission's notification of the dispute resolution.

(2) In disputed cases, the payment amount the local agency makes for the applicant's arrearage retirement shall be the amount specified by the applicant's electric company.

(3) Following resolution of the dispute, the applicant's electric company shall refund to the local agency benefits received on behalf of the applicant in excess of the amount the Public Service Commission determines to be correct.

07.06.22.09

.09 Recovery of Benefits.

A. An applicant is liable for all EUSP payments made on the applicant's behalf in excess of the maximum allowable benefit.

B. The local agency shall require the eligible household's electric company, or low-income weatherization contractor or vendor, to return the amount of an overpayment from any unused benefit to the Administration.

C. The electric company shall return any unused benefit for which the applicant may not be held liable, in the event the benefit cannot be applied to an active electric account.

07.06.22.10

.10 Fair Hearing Process.

A. The local agency shall have a grievance procedure and attempt to resolve grievances at the local level.

B. An applicant or proxy has 15 calendar days from the date the local agency mails or gives the applicant the notice of decision or action to file a written request for a fair hearing with the local agency.

C. When the local agency is not able to resolve the applicant's dispute or complaint, the applicant or proxy may request an administrative hearing according to COMAR 07.01.04. Within 2 working days of receipt of a request for an administrative hearing, the local

agency shall forward the applicant's request and all pertinent information to the Administration.

07.06.22.9999

Administrative History

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